

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

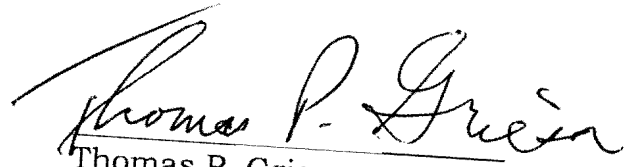
-----X		
BEATRICE A. OLUOCH,	:	
	:	
Plaintiff,	:	11 Civ. 3117 (TPG)
	:	
– against –	:	<u>OPINION</u>
	:	
STELLA KERUBO ORINA	:	
	:	
Defendant.	:	
	:	
-----X		

Plaintiff filed this action on May 6, 2011. On October 20, 2011, defendant moved, pursuant to Fed. R. Civ. P. 12(b)(5), to dismiss the complaint for insufficient service of process. It appears from defendant's brief that plaintiff mailed a copy of the summons and complaint to defendant's workplace in Kenya but that this method of service did not comply with Fed. R. Civ. P. 4(f).

Plaintiff has not remedied her defective service. Nor has she opposed defendant's motion or on any occasion sought an extension of time to respond to the motion. Accordingly, the court exercises its discretion to dismiss the complaint without prejudice. See DEF v ABC, 366 Fed. Appx. 250, 253 (2d Cir. 2010).

SO ORDERED.

Dated: New York, New York
August 28, 2012


Thomas P. Griesa
U.S.D.J.

